

MAIN OCT 28 2002

ORDINANCE NO. 2002 - 043

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE **TRANSPORTATION ELEMENT** (TO DESIGNATE SEGMENTS OF OKEECHOBEE BOULEVARD BETWEEN JOG ROAD AND MILITARY TRAIL AS A CONSTRAINED ROADWAY AT A LOWER LEVEL OF SERVICE FACILITY); AND AMENDING ALL ELEMENTS AS NECESSARY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

WHEREAS, the Palm Beach County Local Planning Agency conducted its public hearings on February 22, March 1, and March 8, 2002 to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on April 8, 2002 to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners authorized transmittal of proposed amendments to the Department of Community Affairs for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, Palm Beach County received on July 1, 2002 the Department of Community Affairs "Objections, Recommendations, and Comments Report," dated June 26, 2002 which was the Department's written review of the proposed Comprehensive Plan amendments; and

WHEREAS, on August 28, 2002 the Palm Beach County Board of County

Commissioners held a public hearing to review the written comments submitted by the Department of Community Affairs and to consider adoption of the amendments; and

WHEREAS, the Palm Beach County Board of County Commissioners has determined that the amendments as modified satisfy the concerns addressed in the Department of Community Affairs' "Objections, Recommendations and Comments Report" and comply with all requirements of the Local Government Comprehensive Planning and Land Development Regulations Act.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Part I. Amendments to the 1989 Comprehensive Plan

Amendments to the text of the following Element of the 1989 Comprehensive Plan are hereby adopted and attached to this Ordinance in Exhibit 1:

- A. Transportation Element**, To designate segments of Okeechobee Boulevard between Jog Road and Military Trail as a Constrained Roadway at a Lower Level of Service Facility; and
- B.** Amending all elements as necessary for internal consistency.

Part II. Repeal of Laws in Conflict

All local laws and ordinances applying to the unincorporated area of Palm Beach County in conflict with any provision of this ordinance are hereby repealed to the extent of such conflict.

Part III. Severability

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

Part IV. Inclusion in the 1989 Comprehensive Plan

The provision of this Ordinance shall become and be made a part of the 1989 Palm Beach County Comprehensive Plan. The Sections of the Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

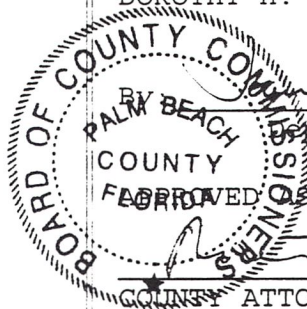
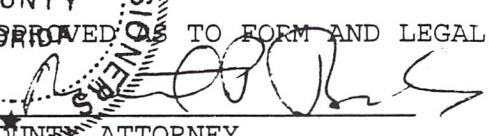
1 Part V. Effective Date

2 The effective date of this plan amendment shall be the date a
3 final order is issued by the Department of Community Affairs or
4 Administration Commission finding the amendment in compliance in
5 accordance with Section 163.3184, Florida Statutes, whichever occurs
6 earlier. No development orders, development permits, or land uses
7 dependent on this amendment may be issued or commence before it has
8 become effective. If a final order of noncompliance is issued by the
9 Administration Commission, this amendment may nevertheless be made
10 effective by adoption of a resolution affirming its effective status,
11 a copy of which resolutions shall be sent to the Department of
12 Community Affairs, Bureau of Local Planning, 2555 Shumard Oak
13 Boulevard, Tallahassee, Florida 32399-2100.

14 **APPROVED AND ADOPTED** by the Board of County Commissioners of
15 Palm Beach County, on the 28 day of August, 2002.

16 ATTEST:
17 DOROTHY H. WILKEN, Clerk

17 PALM BEACH COUNTY, FLORIDA,
18 BY ITS BOARD OF COUNTY COMMISSIONERS

19  By Warren H. Newell
20 Deputy Clerk Warren H. Newell, Chairman
21 
22 APPROVED AS TO FORM AND LEGAL SUFFICIENCY
23 COUNTY ATTORNEY

24 Filed with the Department of State on the 3 day
25 of September, 2002.

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EXHIBIT 1

A. Transportation Element, Okeechobee Boulevard CRALLS – East

REVISIONS: To add language in Policy 1.2-f designating segments of Okeechobee Boulevard as a CRALLS facility. The added text is shown in underlined.

1. **REVISED Policy 1.2-f:** The Palm Beach County Board of County Commissioners finds the following facilities are constrained facilities and development orders shall be evaluated using the specific level of service standards identified herein instead of the Policy 1.1-b general level of service standards. (*Unchanged text omitted for brevity*)

24) The following roadways are hereby designated as a CRALLS facility, subject to mitigation criteria to be determined, consistent with Transportation Policy 1.2-q:

- a) Okeechobee Boulevard from Jog Road to the Florida Turnpike:
Peak Hour Standard: 6,150 vehicles per hour
Daily Level of Service Standard: 67,340 vehicles per day
Total trips for new projects: 790 vehicles per hour
- b) Okeechobee Boulevard from the Florida Turnpike to Haverhill Road:
Peak Hour Standard: 6,150 vehicles per hour
Daily Level of Service Standard: 70,950 vehicles per day
Total trips for new projects: 606 vehicles per hour
- c) Okeechobee Boulevard from Haverhill Road to Military Trail:
Peak Hour Standard: 7,430 vehicles per hour
Daily Level of Service Standard: 76,100 vehicles per day
Total trips for new projects: 439 vehicles per hour

No development order or permit dependent on this CRALLS shall be issued until adoption of the ULDC revisions to implement the associated point system and traffic sensitive uses described in Transportation Policy 1.2-q. As part of this CRALLS, the County commits to begin construction of Roebuck Road, from Jog Road to Haverhill Road, within 12 months of adoption of this amendment, and to complete the road within 24 months of adoption, with incentives to be provided for early completion.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on August 28, 2002
DATED at West Palm Beach, FL on 10/10/02.
DOROTHY H. WILKEN, Clerk
By: William Brown D.C.